

# **FISCAL NOTE**

## **SB 647 - HB 940**

April 22, 2003

**SUMMARY OF BILL:** Enacts the "Tennessee Law Enforcement, Discipline, Accountability and Due Process Act of 2003 which deletes current provisions regarding investigations of police officers and:

- outlines the procedures for filing a written complaint against a law enforcement officer.
- specifies requirements for investigations into a complaint against a law enforcement officer.
- outlines rights of officers under investigation with regards to conducting questioning including the right to counsel or other representation.
- specifies time, place, procedures and limitations with regard to questioning of law enforcement officers under investigation.
- specifies right of officer to a hearing before disciplinary action can be taken as a result of an investigation and outlines the procedure for preparing for and conducting the hearing including requirement that hearing be recorded and the option to sequester witnesses.
- requires notice in writing to the officer of an adverse decision in a hearing and the right to appeal to chancery court.
- specifies information regarding investigation that may not be included in personnel record of an officer subject to investigation and the officer's right to access information in personnel records.
- provides that any public agency which has adopted any procedure which provides at a minimum the same or greater rights included in the provisions of the bill shall not be subject to the bill's provisions with regard to such procedure but shall be required to comply with all other procedures.

### **ESTIMATED FISCAL IMPACT:**

#### **Increase Local Govt. Expenditures - Not Significant**

Estimate assumes:

- officer's right to counsel or representation is at such officer's own expense.
- current law gives officers right to a hearing in response to disciplinary action which must be recorded. Any additional cost to conduct the hearings under the provisions of the bill are estimated to be not significant.
- an increase in local government expenditures for the costs of providing required notices, forms, and other administrative expenses estimated to be not significant.

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- members of any disciplinary hearing board established pursuant to the provisions of the bill would serve without compensation.
- an increase in local government expenditures for the costs associated with sequestering witnesses estimated to be not significant as it is assumed this would rarely be required.
- many local law enforcement agencies already have comparable procedures in place and costs to implement provisions of bill would be minimal in those localities.
- impact on state law enforcement agencies is estimated to be minimal as the provisions of bill are substantially similar to procedures already followed by such agencies.

**CERTIFICATION:**

This is to duly certify that the information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink, reading "James A. Davenport". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

James A. Davenport, Executive Director